

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. S1-4:21CR00186 AGF (NAB)
)
DARRIUS MCCULLUM, et. al,)
)
Defendants.)

**GOVERNMENT'S MOTION FOR COMPLEX CASE FINDING AND
TO CONTINUE TRIAL DATE BEYOND LIMITS SET BY THE SPEEDY TRIAL ACT**

Comes now the United States of America by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri and Jeannette S. Graviss, Assistant United States Attorney for said District, and requests the Court, pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and (B)(i) and (ii), to make findings that: (1) the case is so unusual or so complex that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act and (2) that the failure to grant a continuance to determine whether and what pretrial motions should be filed in the proceeding would result in a miscarriage of justice.

The government, in support of its motion, states as follows:

1. This case involves a long-term drug trafficking conspiracy in which three defendants are named in one or more of the five counts.
2. The government estimates that the trial in this case could last more than two weeks depending upon the number of defendants electing to proceed to trial. A more accurate estimate can be made when the number of defendants electing to go to trial has been determined.
3. The discovery in this case is voluminous and involved the Title III wiretaps over

eight cellular telephones. Each of the defendants was intercepted over one or more of the cellular telephones during the time that that they were monitored. The discovery in the case includes several hundred pages of documents and more than one thousand wiretap intercepts. Additionally, there are multiple suppressible events that occurred during the investigation including the seizure of cash and/or narcotics from several members both charged and uncharged in the conspiracy.

4. The government has been working on the investigation for some time and would be prepared to try this case within the time limits set forth under the Speedy Trial Act. However, the government recognizes that in light of the nature of the conspiracy charges, and the court-ordered electronic surveillance, it is unreasonable to expect the defense to have adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act.

5. Additional time would likely assist defendants and defense counsel in fully reviewing discovery, preparing for trial and/or completing plea negotiations with the government.

6. Pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and (B)(i) and (ii) and for all the foregoing reasons, the United States requests this Court to make specific findings that the trial of this matter should be continued past the limits set by the Speedy Trial Act because the ends of justice served by continuing this case outweigh the best interest of the public and the defendants in a speedy trial, the case is so unusual and so complex that it is unreasonable to expect adequate preparation for pretrial proceedings and the failure to exclude this period would likely result in a miscarriage of justice.

WHEREFORE, the Government requests that the Court make such findings, set a motion

deadline and an evidentiary hearing consistent with the complexity of the case, and order the time elapsed between any motion waivers and trial setting excluded from Speedy Trial Act calculation. 18 U.S.C. §3161(h)(7)(A), (B)(i), and (B)(ii).

Respectfully submitted,

SAYLER A. FLEMING
United States Attorney

s/ Jeannette S. Graviss
JEANNETTE S. GRAVISS #44483MO
Assistant United States Attorney
111 South 10th Street, 20th Floor
St. Louis, MO 63102
(314) 539-2200

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2021, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all counsel of record.

s/Jeannette S. Graviss
JEANNETTE S. GRAVISS, #44483MO
Assistant United States Attorney